



National Health (Pharmaceutical Benefits) Amendment (Electronic Prescribing) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 May 2021

David Hurley
Governor-General

By His Excellency's Command

Greg Hunt
Minister for Health and Aged Care

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1 Name

This instrument is the *National Health (Pharmaceutical Benefits) Amendment (Electronic Prescribing) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	4 June 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Health Act 1953*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Health (Pharmaceutical Benefits) Regulations 2017

1 Subsection 5(1) (paragraph (b) of the definition of *electronic prescription*)

Repeal the paragraph, substitute:

- (b) in accordance with:
 - (i) the form approved by the Secretary under subparagraph 40(2)(c)(ii) (prescriptions other than medication chart prescriptions); or
 - (ii) either the form approved by the Secretary under paragraph 41(5)(a), or the information requirements approved by the Secretary under paragraph 41(5)(b) (medication chart prescriptions).

2 Subsection 41(3)

Repeal the subsection, substitute:

Completing section of medication chart—authority prescriptions

- (3) A PBS prescriber completes a section of a medication chart in accordance with this subsection for a person for the purpose of writing an authority prescription if:
 - (a) the section of the chart contains:
 - (i) each authority approval number for the prescription, unless the prescription is to be posted or delivered to the Minister or Chief Executive Medicare for authorisation; or
 - (ii) the relevant streamlined authority code for the pharmaceutical benefit that is prescribed; and
 - (b) if the person is receiving treatment in or at a residential care service and subparagraph (a)(ii) does not apply—the chart is an electronic medication chart.

3 Subsection 41(4)

Repeal the subsection (not including the note), substitute:

Medication charts

- (4) A **medication chart** is a chart:
 - (a) in a form (if any) approved under paragraph (5)(a); or
 - (b) that meets the information requirements (if any) approved under paragraph (5)(b);
that is used for prescribing, and recording the administration of, pharmaceutical benefits to persons receiving treatment in or at a residential care service or a hospital, whether or not the chart:
 - (c) is used for any other purpose; or
 - (d) contains any other information.

4 Subsection 41(5)

Repeal the subsection, substitute:

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- (5) For the purposes of subsection (4), the Secretary may, in writing:
- (a) approve one or more forms for a medication chart; or
 - (b) approve information requirements that must be met in relation to a medication chart.

5 Subsection 41(6)

Repeal the subsection, substitute:

Electronic medication charts

- (6) An **electronic medication chart** is a medication chart that:
- (a) is in a form approved under subsection (5); or
 - (b) meets the information requirements approved under subsection (5); for the purpose of writing an electronic prescription.

6 Subsection 45(3)

Repeal the subsection, substitute:

- (3) For the purposes of paragraph (2)(b), the period of validity of a medication chart for a person receiving treatment in or at a residential care service:
- (a) if the chart is an electronic medication chart:
 - (i) starts on the day in a calendar month (the **first calendar month**) when the first prescription for a pharmaceutical benefit is written in the medication chart; and
 - (ii) ends on the last day of the fifth calendar month that starts after the first calendar month; or
 - (b) otherwise:
 - (i) starts on the day in a calendar month (the **first calendar month**) when the first prescription for a pharmaceutical benefit is written in the medication chart; and
 - (ii) ends on the last day of the third calendar month that starts after the first calendar month.

Example: The first prescription is written in a medication chart on 11 June. The period of validity of the medication chart starts on 11 June and, if it is written in an electronic medication chart, ends on 30 November. Otherwise, it ends on 30 September.

7 Paragraphs 45(5)(a) and (b)

Repeal the paragraphs, substitute:

- (a) the prescription indicates either of the following:
 - (i) that an ongoing supply of the pharmaceutical benefit is authorised for the period of validity of the chart;
 - (ii) a stop date for the supply of the pharmaceutical benefit and, based on the dose and frequency of administration of the pharmaceutical benefit indicated in the prescription, more than one supply of a maximum quantity of the pharmaceutical item or pharmaceutical benefit is needed before the stop date is reached; and
- (b) the prescription is not for the supply of a pharmaceutical benefit referred to in Schedule 8 to the current Poisons Standard (within the meaning of the *Therapeutic Goods Act 1989*) to a person receiving treatment in or at a residential care service.

8 Paragraph 45(7)(a)

Omit “paragraph (5)(a)”, substitute “subparagraph (5)(a)(i)”.